

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

ALVARO ESPINOSA-HERNANDEZ,

Defendant.

CASE NO. CR06-425 MJP

DETENTION ORDER

Offenses charged:

Count I - Conspiracy to Distribute Methamphetamine

(500 grams or more of mixture, 50 grams or more of actual methamphetamine)

Count III - Conspiracy to Distribute Cocaine (500 grams or more)

Date of Detention Hearing: 12/06/06

The court, having conducted a detention hearing pursuant to 18 U.S.C. § 3142(f), and based upon the factual findings and statement of reasons for detention hereafter set forth, finds that no condition or combination of conditions which defendant can meet will reasonably assure the appearance of defendant as required and the safety of any other person and the community.

DETENTION ORDER - 1

18 U.S.C. § 3142(i)

FINDINGS OF FACT AND STATEMENT OF REASONS FOR DETENTION

- (1) The drug offense with which defendant is charged in Count I carries a maximum penalty of life imprisonment, with a mandatory minimum sentence of ten years. There is therefore a rebuttable presumption that defendant will be detained.
- (2) Nothing has been presented to rebut that presumption.
- (3) Defendant is a citizen of Mexico, but has a “green card.”
- (4) Defendant advised the Pretrial Services Officer that he has been homeless for the past four or five months.
- (5) He has substance abuse problems, including recent use of cocaine and methamphetamine. He also drinks alcohol regularly and sniffs glue to combat depression.
- (6) While his criminal record consists primarily of traffic matters, he has several failures to appear and failures to surrender to serve sentences. There is at least one state court warrant outstanding.
- (7) He has been employed only sporadically, as an upholsterer.

It is therefore ORDERED:

- (1) Defendant shall be detained pending trial and committed to the custody of the Attorney General for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal;
- (2) Defendant shall be afforded reasonable opportunity for private consultation with counsel;
- (3) On order of a court of the United States or on request of an attorney for the Government, the person in charge of the corrections facility in which defendant is

1 confined shall deliver the defendant to a United States Marshal for the purpose of an
2 appearance in connection with a court proceeding; and

3 (4) The clerk shall direct copies of this order to counsel for the United States, to counsel
4 for the defendant, to the United States Marshal, and to the United States Pretrial
5 Services Officer.

6 DATED this 7th day of December, 2006.

7 /s/John L. Weinberg

8 JOHN L. WEINBERG

9 United States Magistrate Judge